

No. 8194-3Lab-77/21994.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s. Hissar Textile Mills, Hissar, (2) The H.T.M. Employees Cooperative Consumer Store Ltd., Hissar.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 40 of 1975

between

THE WORKMEN AND THE MANAGEMENT OF M/S. HISSAR TEXTILE MILLS,
HISSAR, (2) THE H.T.M. EMPLOYEES COOPERATIVE CONSUMER
STORE LIMITED, HISSAR

Present.—

Shri Richpal Singh, for the workmen.

Shri N. K. Garg, for the management.

AWARD

By order No. ID/HSR/75/9071, dated 6th February, 1977, the Governor of Haryana, referred the following dispute between the management of M/s. Hissar Textile Mills, Hissar, (2) The H.T.M. Employees Cooperative Consumer Store Ltd., Hissar and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the workers of the canteen should be paid the same wages as are paid to unskilled workers of the factory? If so, with what details?
- (2) Whether the wages of Halwai and salesmen of the canteen should also be fixed? If so, with what details?

On receipt of the reference, notices were issued to the parties. The parties put in their pleadings. On the pleadings of the parties, necessary issues were framed by my learned predecessor on 4th August, 1976 :—

- (1) Whether the demand leading to this reference have been espoused by a substantial number of workmen?
- (2) Whether the reference is bad in law and liable to be quashed for the preliminary objections taken up by the management,—*vide* paragraphs 1(a)(b)(c), and 3 and 4 of their written statement?
- (3) Whether the workers of the canteen should be paid the same wages as are paid to unskilled workers of the factory? If so, with what details?
- (4) Whether the wages of Halwai and saleman of the canteen should also be fixed? If so, with what details?

The case was adjourned for the evidence of the workmen. The workmen has examined W.W. 1 Shri Richpal Singh, Secretary of District Textile Workers Union, Hissar. This witness was being cross-examined but his cross-examination has not been completed. At this stage, the learned representative of the workmen made an application that he wants to withdraw the demands under reference. The learned representative of the workmen did not appear today but sent this application for withdrawal as stated above through the representative of the management. The application has been allowed by me,—*vide* my detailed order of date. The learned representative of the workmen prayed in that application that permission for withdrawal may be granted to him and the workmen reserved their right to raise these demands or any of them whenever in future they deemed it fit and proper so to do. Their request was genuine. Hence the workmen were allowed to withdraw from these demands at present. However, it shall not debar them from raising these demands in further when they deemed it fit and proper. I, therefore, give my award as follows :—

"That there is no dispute between the parties at present. This award shall not debar the workmen from raising these demands or any of them in future when they deemed it fit and proper.

The parties are left to bear their own costs.

Dated 10th May, 1977.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 483, dated 21st May, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

The 10th August, 1977

No. 8346-3Lab-77/22134.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Manak Metal Works, Jagadhari.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA ROHTAK

Reference No. 79 of 1976

between

SHRI DHARAM PAL, WORKMAN AND THE MANAGEMENT OF M/S MANAK METAL WORKS, JAGADHARI

AWARD

By order No. ID/AMB/511-A-76/34814, dated 22nd September, 1976, the Governor of Haryana referred the following dispute between the management of M/s Manak Metal Works, Jagadhari and its workman Shri Dharam Pal to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Dharam Pal was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed by me,—*vide* my order, dated 25th July, 1977 :—

- (1) Whether the reference is bad in law for the preliminary legal objection taken in the written statement ?
- (2) Whether the workman abandoned his job by absenting himself from duty with effect from 5th June, 1976 ?
- (3) If not, whether the termination of services of Shri Dharam Pal was justified and in order ? If not, to what relief is he entitled ?

The case was fixed for recording the evidence of the management concerned on 27th July, 1977 when the parties made their statements in accordance with the mutual amicable settlement arrived at between them whereby the workman agreed to withdraw the demand raised by him on the management, leading to this reference, in full and final satisfaction in consideration of a sum of Rs. 400. The case was fixed for 29th July, 1977 for actual payment of the amount by the management to the workman in terms of the settlement arrived at between the parties. The management actually made payment of a sum of Rs 400 to the workman in Court on 29th July, 1977 in full satisfaction of a demand raised on them by the latter, in terms of the settlement referred to above.

It would thus appear that the demand raised on the management by the workman for his reinstatement with his continuity of service and full back wages has been satisfied and there is now no dispute between the parties requiring adjudication. I, accordingly answer the reference while returning the award in these terms.

Dated, the 29th July, 1977.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 1569, dated 3rd August, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 8345-3Lab-77/22136.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s K. Pharmaceutical Works, Railway Road, Jind:—

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK**

Reference No. 76 of 1976

Between

SHRI P. C. JOSHI WORKMAN AND THE MANAGEMENT OF M/S K. PHARMACEUTICAL WORKS, RAILWAY ROAD, JIND

AWARD

By order No. JD/KNL/292-A-76/32846, dated 2nd September 1976, the Governor of Haryana referred the following dispute between the management of M/s K. Pharmaceutical Works, Railway Road, Jind, and its workman Shri P. C. Joshi, to this Court for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri P. C. Joshi was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed by me,—*vide* my order dated 17th January, 1977 :—

- (1) Whether Shri P. C. Joshi was not a workman within the definition of the term as given in section 2 (s) of the Industrial Disputes Act, 1947?
- (2) Whether the termination of services of Shri P. C. Joshi was justified and in order? If not, to what relief is he entitled?

The case was fixed for recording the evidence of the management for 26th July, 1977, when the parties made their statements in accordance with the mutual amicable settlement arrived at between them whereby the workman agreed to receive a sum of Rs 2,565 from the management in full satisfaction of his demand raised by him in respect of the illegal termination of his services and his reinstatement with full back wages and continuity of service. The case was accordingly adjourned to 1st August, 1977, for actual payment of the amount to the workman in accordance with the terms of the settlement.

The management delivered a demand draft of Rs 2,565, dated 30th July, 1977, drawn by them in favour of the workman, in Court with the result that the demand raised on them by the latter stood fully satisfied. It would thus appear that the demand of the workman leading to this reference stands fully satisfied and there is now no dispute between the parties requiring adjudication. I, accordingly answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Dated 1st August, 1977.

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 1570, dated the 3rd August, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 9th August, 1977

No. 8272-3Lab-77/22093.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Usha Die Casting Private Limited, Gurgaon.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 127 of 1974

between

SHRI JAGDISH CHANDER, WORKMAN AND THE MANAGEMENT OF M/S USHA DIE CASTING PRIVATE LIMITED, GURGAON

Present—

Shri S. K. Goswami, for the workman.

Shri M. P. Gupta, for the management.

AWARD

By order No. ID/GG/139-A-74/31137, dated 11th September, 1974, the Governor of Haryana referred the following dispute between the management of M/s Usha Die Casting Private Limited, Gurgaon and its workman Shri Jagdish Chander to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Jagdish Chander was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference, notices were issued to the parties. The parties put in their pleadings. On the pleadings of the parties, the following issues were framed by my learned predecessor on 17th January, 1975 :—

- (1) Whether the demand, the subject-matter of the present reference, was first raised on the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ? (on workman)
- (2) Whether the Government of Haryana is not the appropriate Government to make the reference and for that reason the reference is bad in law and without jurisdiction ?
- (3) Whether it is a case of self-abandonment of service by the workman concerned ? If so, with what effect ?
- (4) Whether the termination of services of Shri Jagdish Chander was justified and in order ? If not, to what relief is he entitled ?

The parties led their evidence and closed their case. The management examined one Shri R. L. Mal, their Accountant, as M. W. 1 who stated that the management came into existence in 1972 and he was accountant since then. He had brought all relevant records with him. He stated that the workman concerned initially worked in Gurgaon factory but in September, 1973, he was transferred to Delhi Headquarters,—*vide* order, copy whereof is Ex. M—1. He tendered in evidence the copy of attendance

register Ex. M-2 and M-3 and copies of payment of wages register Ex. M-1 and M-S. At the time of relinquishing the job, the workman concerned was in the service of the management at Delhi. The workman was paid wages for the months September, 1973 to December, 1973 from Delhi office. The registers brought by him containing the payment of wages and attendance of the workman belong to Delhi office. He further stated that he personally made payment of wages to the workman at Delhi for the months of November, 1973 and December, 1973. He further deposed that the workman remained absent for 10 days from 23rd January, 1974 to 3rd February, 1974 when his name was struck off the rolls. The workman had not made any application for grant of leave. The management had informed the workman regarding striking of his name. The workman concerned examined himself as W. W. 1. He is stated that he started working in the factory from 12th October, 1971. He was transferred to Delhi by the management in September, 1973 and he was not giving any letter or notice regarding transfer prior to transfer. He had gone on leave for one day but his wife was ill and he could not attend his duty. On 19th January, 1974 he went to the office, when the office people told him to go to the factory. He admitted that he received his salary for the months of September, 1973 to December, 1973 from Delhi office. The workman also examined one Shri Sardha Nand as W. W. 2.

I have gone through all the evidence and pleadings of the parties oral as well as documentary. It is evidently proved that the workman had been transferred to Delhi office in the month of September, 1973. Up to 13th January, 1974, he is marked present in Delhi office and thereafter he remained absent as per the entry in the attendance register of Delhi office. The workman also stated that upto 13th January, 1974 he was also working in Delhi office and thereafter the termination of service began. Although once or twice the workman concerned is also marked present in Delhi office on 19th January, 1974 to 22nd January, 1974 and thereafter he is continuously marked absent.

First of all I have to decide issue No. 2 which deals with the jurisdiction of this Tribunal. I shall decide other issues, if I come to the conclusion that this Tribunal has jurisdiction to decide the matter in controversy between the parties. There is ample evidence on the file to prove that at the time of termination of services or at the time thence the cause of termination of service commenced the workman concerned was employed in Delhi office of the management. He was not employed in Haryana at that time. I have discussed the evidence in this connection heretofore. Although the workman had joined service at Gurgaon but he was transferred to Delhi. He was marked present and perform his duty in Delhi office upto 22nd January, 1974. Thereafter he is marked absent for 11 days excluding holidays and thereafter his name was struck off. He had also received wages from the Delhi office, as discussed above. I, therefore, hold that this Tribunal has no jurisdiction to give an award on the dispute referred to this Tribunal by the State Government. The workman concerned did not bring it to the notice of the State Government that he was working in Delhi office of the management and hence the dispute was referred to this Tribunal. After holding that this Tribunal has no jurisdiction to give an award on the dispute, neither I can decide other issues nor I can decide on merits, nor can give my award on merits and on the dispute referred to me, as I have no jurisdiction to do that.

NATHU RAM SHARMA,

The 18th July, 1977.

Presiding Officer,

Industrial Tribunal, Haryana
Faridabad.

No. 632, dated 28th July, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

The 28th July, 1977.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

P. P. CAPRIHAN,
Financial Commissioner & Secy.